

DAC
Ifw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Our Case No. 13347US02)

In The Application Of:

Whittingham et al.

Serial No.: 09/986,226

Filed: October 22, 2001

Examiner: L. Evanisko

Group Art Unit: 2622

For: RATIOING ALGORITHM FOR A
LABEL PRINTING SYSTEM
USING PLATES

Confirmation No.: 4979



CERTIFICATE OF MAILING

I hereby certify that this correspondence is
being deposited with the United States Postal
Service as first class mail in an envelope
addressed to: Mail Stop Amendment,
Commissioner for Patents, P.O. Box 1450,
Alexandria, VA 22313-1450 on July 6, 2006.

By: Jean Dudek Kuelper
Jean Dudek Kuelper

Reg: No.: 30,171

**PETITION UNDER 37 C.F.R. 1.78(a)(3) FOR UNINTENTIONALLY DELAYED CLAIM
FOR BENEFIT OF EARLIER FILING DATE UNDER 35 U.S.C. § 120**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The above identified application as originally filed claimed the benefit of the earlier filing date of its copending parent application which was identified by its title, "Internet Label Production System" and filing date of "September 27, 2001." However, the identification of the parent application did not include its Application Number because as of the filing date of the present application, October 21, 2001, the application number of the parent application had not yet been received.

It is therefore respectfully requested that the paragraph at page 1 of the specification under the heading "CROSS-REFERENCE TO RELATED APPLICATIONS" be replaced with the following paragraph with the missing Application Number inserted.

This is a continuation-in-part of United States application Serial No.

09/965,359 entitled "Internet Label Production System" filed September 27, 2001.

It is requested that the surcharge under 37 C.F.R. 1.17(t) be charged to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

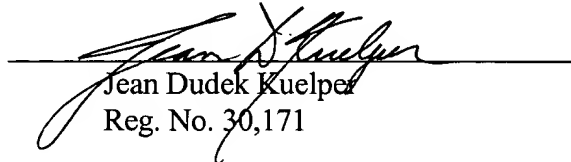
The entire delay between the date that the claim was due under 37 C.F.R. 1.78(a)(3) and the date that the claim was filed was unintentional.

In view of the above, it is respectfully requested that this Petition Under 37 C.F.R. 1.78(a)(3) For Unintentionally Delayed Claim For Benefit of Earlier Filing Date Under 35 U.S.C. § 120 be granted.

Respectfully submitted,

Dated: July 6, 2006

McAndrews, Held & Malloy, Ltd.
500 West Madison St., 34th Floor
Chicago, IL 60661
(312) 775-8000


Jean Dudek Kuelper
Reg. No. 30,171



PTO/SB/21 (09-04)

Approved for use through 7/31/2006

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction act of 1995, no persona are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/986,226
		Filing Date	October 22, 2001
		First Named Inventor	Whittingham et al.
		Art Unit	2622
		Examiner Name	L. Evanisko
Total Number of Pages in This Submission	3	Attorney Docket Number	13347US02

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) Replacement sheet <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Return-Receipt Postcard <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	McAndrews Held & Malloy, Ltd.
Signature	
Printed Name	Jean Dudek Kuelper
Date	July 6, 2006

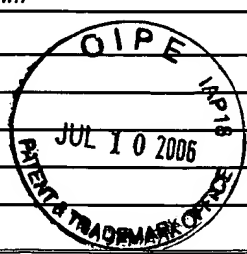
CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 6, 2005

Name (Print/type)	Jean Dudek Kuelper	Registration No. (Attorney/Agent)	30,171
Signature		Date	July 6, 2006

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Fees pursuant to the consolidated Appropriates Act, 2005 (H.R. 4818). <h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2006</h2>		Complete if Known	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	09/986,226
		Filing Date	October 22, 2001
		First Named Inventor	Whittingham et al.
		Examiner Name	L. Evanisko
		Art Unit	2622
TOTAL AMOUNT OF PAYMENT (\$) 1,370.00		Attorney Docket No.	13347US02



METHOD OF PAYMENT (check all that apply)

☐ Check
 ☐ Credit Card
 ☐ Money Order
 ☐ None
 ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 13-0017 Deposit Account Name: McAndrews Held & Malloy

For the above-identified deposit account, the Director is hereby authorized to (check all that apply)

☒ Charge Fee(s) indicated below
 ☐ Charge Fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fees(s)
 ☒ Credit any overpayments

under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid(\$)
	Fee (\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	Fee(\$)	Small Entity Fee(\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Small Entity Fee(\$)	Fee(\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims _____ -20 or HP _____ x **Extra Claims** _____ = **Fee Paid (\$)** _____

HP = highest number of total claims paid for, if greater than 20

Indep. Claims _____ -3 or HP _____ x **Extra Claims** _____ = **Fee Paid (\$)** _____

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

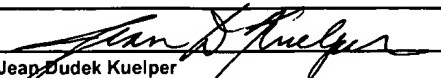
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee(\$)	Fee Paid(\$)
_____	_____	_____ /50 _____ (round up to a whole number)	x _____	= _____

4. OTHER FEE(S)

	Fee Paid(\$)
Non-English Specification, \$130 fee (no small entity discount)	_____
Other (e.g., late filing surcharge): Fee for Petition Under 37 C.F.R. 1.78(a)(3) for Unintentionally Delayed Claim For Benefit of Earlier Filing Date Under 35 U.S.C. 120	\$1,370.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	30,171	Telephone	(312)775-8000
Name (print/type)	Jean D. Kuelper	Date	July 6, 2006		